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SCENIC MICHIGAN WRITTEN TESTIMONY

HOUSE BILL 5580

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Thank you Chairperson Warren, Committee members, and sponsors of House Bill 5580 for considering a moratorium on the conversion of existing static billboards to digital billboards or on the removal of existing conventional billboards with replacement by digital billboards with their rapidly changing, brightly lit messages.

I am Jim Lagowski, President of Scenic Michigan, speaking in support of House Bill 5580. This legislation is a reasonable, responsible approach to a growing concern over the safety implications of digital billboards. We are proposing a moratorium of approximately two years, not a ban on digital billboards. In fact, those digital billboards currently operating in Michigan will remain in place and can continue to be used.

The outdoor advertising industry would have you believe digital billboards are needed for amber alerts for missing children. Not so. Michigan's Amber Alert plan, which successfully resolved the 25 alerts in 2008, is a team effort by the Michigan Association of Broadcasters (TV and radio), Michigan Chiefs of Police

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and Sheriff's Associations, Michigan State Police and the Michigan Department of Transportation with its 85 permanent changeable message safety signs situated in key locations around the state. Scenic Michigan would like you to consider the following; why use digital billboards for amber alerts when they are not needed and are a clear source of driver distraction?

There is ample and growing evidence that digital billboards will become a safety hazard for the motoring public. There is an on-going U.S. Federal Highway Administration (FHWA) study the primary focus of which is "the effect of commercial electronic variable message signs on driver behavior and evaluation of their potential risk to safety". Until this study is completed, analyzed and FHWA safety recommendations are made to the 50 states, we believe a moratorium on new digital signs is required in the name of public safety. Field studies should be completed this year, a draft report prepared by Spring, 2010, with a final report released later in 2010. The results will lead to guidance, regulatory changes, or legislative proposals. In 2011, the FHWA, the various states, the outdoor advertising industry, and other interested stakeholders will work together to develop standards related to public safety. This is why Scenic Michigan is asking for your support for a two year moratorium on digital billboards.

In 2006 the National Highway Traffic Safety Administration issued a study which concluded "that total eyes-off-road durations of greater than 2 seconds significantly increased individual near-crash/crash risk". A key point from this safety study was that younger drivers in the 18-20 year old age group were four

times more likely to be involved in near-crash/crash events than those over 35 years of age. Novice drivers perform significantly worse than experienced drivers in high demand driving situations. Those high demand areas are generally where digital billboards are located. With digital billboards changing messages every 6-8 seconds, there is a real hazard for younger drivers, our sons, daughters, and grandchildren.

Digital billboards are deliberately designed to distract drivers from their primary task of safe driving. In October, 2009, traffic and safety leaders from around the U.S. were at a Distracted Driving Summit convened by U.S. Transportation Secretary Ray LaHood, in which billboards and digital billboards were identified as a source of driver distraction. The issue of “Driver Distraction and Inattention” is a world-wide issue. The first International Conference on this subject was held in September, 2009, in Sweden. Representatives from 11 countries were presenters and there was a special symposium on “Digital Billboards and Driver Distraction.”

What do Michiganders think about this issue? In June 2009, questions about digital billboards were included in a state-wide survey of registered voters by EPIC-MRA, a respected Michigan survey firm. This survey, funded by the respected Frey Foundation, found that by a 2 to 1 margin those interviewed indicated support for a moratorium on the conversion of static billboards to digital billboards or on the removal of existing conventional billboards with replacement by digital billboards, pending the results of the FHWA safety study in progress. It

is important to note that 70% of those Michiganders favoring a moratorium held that opinion “strongly”.

Given the potential risk to public safety and the threat of significant liability if these digital billboards are later proven to be dangerous, we ask that the Legislature wait until definitive objective data is available before allowing more conversions of existing billboards to digital billboards. Scenic Michigan strongly believes that allowing the proliferation of these signs in the absence of data to support clear safety standards is irresponsible, and places the safety and health of the motoring public in jeopardy.

New technology will always be a part of our changing society, but not without any regulation where the health and safety of the public is concerned. Whether it is cell phone use, or digital billboards with their brightly lit, changing messages, appropriate monitoring is necessary, particularly in the area of driver safety.

Michigan may be exposed to liability and compensation costs if the state permits the conversion of existing billboards to digital billboards during the safety study. When standards are released by the FHWA and Michigan is compelled to adopt digital billboard regulations, sign companies that had operational unsafe digital billboards prior to the study results may sue for a “taking.” Additionally, signs that are “grandfathered” may be the subject of lawsuits for dangerous locations, brightness or other accident causing distractions.

